

Agriculture, Fish, & Water (AFW)
Field Office Technical Guide (FOTG) Executive Committee Meeting # 15
Thursday December 13, 2001
Criminal Justice Training Commission, Seattle
MEETING SUMMARY

Note: This meeting summary is a general representation of the meeting and no party is binding to any accountability of the summary.

1. Welcome/Introductions

Meeting attendees (see below) introduced themselves. This meeting's agenda was amended to include options package discussion for the 13th and ITT topics on the 14th. Approval of the November Executive Committee meeting draft summary was tabled for tomorrow's meeting date.

2. Options Package Follow-up (White Swan)

Tim Thompson handed out the original White Swan (WS) proposal and Tom Eaton's (EPA) response to the WS proposal.

Eaton summarized his written response. He emphasized that AFW is a voluntary proposal and that there should be a flexible system with an array of buffer widths. If smaller buffer systems are to be funded they should have new money rather than depend on current program funding. Also, he emphasized that discussion of functions should be on a watershed scale. It was cleared up that the extension of GMA timeline (bullet #4) in the WS proposal is workable if there are demanding timelines – Eaton wants to keep this process flexible.

The WACD written response was passed out. Wade Troutman summarized the response. He mentioned that public disclosure is a concern to landowners that might keep them from signing up in a plan proposed by the AFW process. The Clean Water Act (CWA) is important because of AFO/CAFO and he would like to keep the Clean Water Act (CWA) in the forefront.

Thompson passed out the state response to the WS proposal. Dick Wallace summarized the state response to the WS proposal. Discussion and clarification of the response ensued. The state response has no incremental approach to buffers in stream types 2 and 3, which was provided in Eaton's and the WACD responses. State funding would have to be new funding rather than re-appropriating from another state program. Discussion of dividing the stream types by width ensued. The state accepts alternate plans that provide equal functions. The state would like to offer small landowners who have a large impact from the buffer issue, a custom program (not a blanket program). Discussion of adaptive management ensued.

Bob Lohn (new NMFS director) would like to have a caucus with NMFS members before providing the NMFS response to the WS proposal. NMFS would like to be on common ground with the state on the science issue. NMFS would like to adaptively come to an

1 AFW agreement. Mike Poulson discussed the reasoning behind the AG caucus proposed
2 15 foot buffer. Steve Landino stated that the federal caucus did not respond in writing
3 because effects determinations need federal actions, most of the AFW proposals do not
4 include this.

5
6 The AG caucus response to the white swan proposal was passed out. Jay Gordon
7 summarized the AG Caucus response. Federal and state assurances were not included in
8 this response because they are uncertain; third party lawsuits seem to be driving the
9 landowners' decisions rather than assurances.

10
11 Frank Easter stated that NRCS' response to the WS proposal is a conglomeration of
12 today's responses.

13
14 CAUCUS: discuss today's response presentations; option 1 (as Ag response), option 2
15 and 3 (as state and federal); Thompson requested that the Executive Committee look at
16 stream types 1, 4, and 5.

17
18 **Action Items:**

- 19 • Mike Poulson will provide Bob Lohn with information on Sam Chan's science
20 work.
- 21 • The AG caucus requested that NMFS provide their response in writing once they
22 have caucused with NMFS members.

23
24 **3. Post Caucus Discussion of responses**

25 Wallace presented the key points of the state's discussion during the caucus. There was
26 some fundamental discussion regarding the basis of AFW. According to the State, the
27 CWA and the Endangered Species Act (ESA) are the basis of AFW. The option package
28 that the state presented needs to be science based. The state's perception is that the AFW
29 ground rules have changed. The State caucus would like to get clarification in writing
30 from the AG caucus if they feel that AFW has moved away from CWA/ESA basis and
31 implementation of farm plans. The state feels that the farm plan (including riparian
32 elements) is a core part of AFW and other processes. Two fundamental policy points
33 (basis of CWA/ESA and farm plans) need to be resolved in order to move forward in the
34 AFW process. The State is interested in developing an AFW package that complies with
35 ESA and CWA. Farm plans should be part of the options package.

36
37 Discussion of state/federal assurances and farm plans ensued. The AG caucus is
38 committed to option 1. They are willing to work with the agencies to continue to develop
39 option 2 and 3 to include in the tool box so that these options are available for some to
40 use.

41
42 Guy McMinds voiced that the tribes are very interested in the ESA and the CWA while
43 not participating in the AFW process. The tribal perspective was shared.

44
45 The federal caucus would like to move forward with the state caucus response.

1 Thompson would like to develop an alternative option (either in combination with option
2 1 or as a new option) as part of the options package. He would like the AG caucus to
3 develop the details of option 1. Areas that are not affected, minimally affected, or
4 adversely affected should be determined through the mapping exercise. Thompson
5 assigned NRCS to discuss how the options work with their plans.

6
7 Philip Morley said Option 2's 50' plus 25' buffer proposal on waterway types 2 and 3
8 was a move in the right direction and praised the federal caucus for considering
9 supporting Option 2 along with Option 3. While 75' buffers may be appropriate on
10 **larger** streams, bottom land farms in Western Washington have a great number of **small**
11 streams. Morley voiced concern that 75 foot buffers on both sides of these small streams
12 is disproportionate, and would take too much acreage out of production on many farms.
13 Morley proposed that the Option 2 buffer matrix should be amended to include different
14 stream widths in waterway types 2&3, with correspondingly graduated buffer widths.

15
16 Tim Thompson also suggested modifying the small landowner alternative from Timber
17 Fish and Wildlife to provide some flexibility and relief for constrained sites such as small
18 farms with a lot of stream frontage. Thompson will draft this for review.

19 20 **Action Items**

- 21 • The State caucus requested that the **AG caucus** provide a clarification of the AFW
22 ground rules in writing.
- 23 • The **AG Caucus** is to develop the details of option one in the options package.
- 24 • The **WDFW** is to determine areas that are not affected, minimally affected, or
25 adversely affected through the mapping exercise.
- 26 • **NRCS** is to provide details on how the options package works with NRCS farm
27 plans.
- 28 • **Tim Thompson** is to develop a constrained site proposal using the TFW small
29 landowner option as a model. This option would be added as a footnote to Options 2
30 & 3. Thompson will also work with appropriate agency staff to have stream width
31 added to the Option 2 buffer matrix.

32 33 **4. ITT Update**

34 Thompson offered to arrange a conference call to resolve the tide gate issue. The table
35 agreed. Riparian management issues have been introduced to the ITT table, but practice
36 391 buffer widths have not been part of the ITT discussions. The AG caucus requested
37 that the entire practice 391 not be discussed at the ITT level. Easter noted that the AWC
38 manual will not be ready until practice 391 is dealt with. It was decided that technical
39 issues of practice 391 will be dealt with by the ITT except for buffer widths. Buffer
40 widths will stay at the Executive Committee table.

41
42 The privacy issue related to farm plans will be discussed as an Executive Committee
43 issue when there is full representation at the Executive Committee table.

44 45 **Action Item:**

- 1 • **Tim Thompson** will take the lead to arrange a conference call (after the New
2 Year and before the next Executive Committee meeting) with **Steve Landino,**
3 **Bob Lohn, Jim Muck or Ken Berg, Mike Rundlett, Paul LaCroix, and Frank**
4 **Easter** to resolve the tide gate issue.
- 5 • **The ITT** is to hold discussion of buffer widths for the Executive Committee when
6 working with practice 391.
- 7 • **Sara Hemphill** will discuss the privacy issue once there is full representation at
8 the Executive Committee table.
- 9 • **Hibba Wahbeh** will coordinate a vote for the next Executive Committee meeting
10 date and arrange the meeting according to majority.

11 12 **5. Next steps**

13 The Executive Committee decided to cancel tomorrow's meeting (the second day of a
14 two-day meeting) due to a forecast of a lack of productivity. It was requested that the
15 next Executive Committee meeting (scheduled for January 17-18, 2002 in Olympia) be
16 re-scheduled since the legislature will be in session. Hibba Wahbeh will request votes for
17 meeting dates and arrange the meeting according to the majority of votes.

18
19 At the next Executive meeting (January):

- 20 - the ITT update will be the first item of discussion
- 21 - key issues will be funding (including lobbying) and merging the State
22 and AG caucus responses

23 24 **Homework assignments for the next Executive Committee meeting**

- 25 • **A CREP group, consisting of Betty Sue Morris, Jay Gordon, Tim Thompson,**
26 **Steve Meyer, and Frank Easter,** are to discuss CREP funding – explore what other
27 states (such as Oregon) have done to determine cut-off level for CREP funding.
28 What are the guidelines to inform where AFW is headed?
- 29 • **The AG caucus** is to provide quantitative details of the minimums in their proposal
30 and the related funding sources.
- 31 • **The State caucus** should define the water way classifications on the landscape
32 through mapping exercises by the January Executive Committee meeting.
- 33 • **The Federal caucus** should examine what level of coverage would be for the option
34 2 approach and also provide information on the vehicle for protection. Also, the
35 federal caucus should work on better defining whole farm plan coverage. Is a
36 programmatic section 7 applied to the whole farm plan, section 10, or something
37 different?
- 38 • **The County caucus and the State caucus** need to have discussions on how to deal
39 with AFW in the context of the Growth Management Act (GMA), best available
40 science, and local Critical Areas Regulations.
- 41 • **Tim Thompson** will develop and Alternate Approaches outline.

42 43 **Handouts**

- 44 • AFW 12/13-12/14 meeting proposed agenda
- 45 • November FOTG EC meeting draft summary
- 46 • Tim Thompson's options proposal

- 1 • NMFS draft revision to Tide gate proposal revised 11/19/01
- 2 • Letter Opinion by Christine Pomeroy on MARP (dated 11/16/01)
- 3 • 2 ITT practice review sheets
- 4 • Possible AFW agreement (White Swan proposal) dated 11/9/01
- 5 • WACD response to the White Swan proposal
- 6 • EPA (Tom Eaton) response to the White Swan proposal
- 7 • State response to the White Swan proposal
- 8 • AG caucus comments to the White Swan proposal
- 9

Attendees	Representing
Ballash, Heather	WA Office of Community Development
Bambrick, Dale	NMFS
Borck, Gretchen	WAWG
Briscoe, Lynn	WSDA
Brookreson, Bill	Department of Agriculture
Cheney, Chris	
Easter, Frank	NRCS
Eaton, Tom	USEPA
Faulconer, Lee	WSDA
Deusen, Millard	WDFW
Gordon, Jay	Washington State Dairy Federation
Hemphill, Sara	NRC/King CD
Hollowed, John	NWIFC
Hudson, Tip	Cattlemen's Association
Hughbanks, Gus	NRCS
Jensen, Martha	USFWS
Johnson, Linda	WA Farm Bureau
Kelly, Carolyn	Skagit Conservation District
LaCroix, Paul	WWAA
Landino, Steve	NMFS
Lee, Bob	Senate Ag Comm.
Lohn, Bob	NMFS
Lund, Hertha	Washington State Farm Bureau
Mankowski, John	WDFW
Masterson, Ikuno	King County
McGregor, Pat	
McMinds, Guy	Quinalt Nation
Meyer, Steve	WCC
Morley, Philip	Snohomish County
Morris, Betty Sue	WASAC
Muck, Jim	USFWS
Poulsen, Karen	Hay Growers
Poulson, Mike	Ag Caucus
Thompson, Tim	Facilitator
Troutman, Wade	WACD
Wahbeh, Hibba	AFW Staff, summary recorder
Wallace, Dick	Department of Ecology
Wood, Dan	Grays Harbor County
Zimmerman, Jim	Farm Bureau

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